

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/27/76
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO 536

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to radiation protection."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 46.03.250 is repealed and re-enacted to read:

9 Sec. 46.03.250. AUTHORITY. The department shall establish stan-
10 dards governing the discharge of radionuclides to the air, water, land
11 and subsurface land of the state.

12 * Sec. 2. AS 46.03.260 is repealed and re-enacted to read:

13 Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts an
14 operation which results in the discharge of radionuclides to the air,
15 water, land or subsurface land of the state must procure a permit from
16 the department before commencing the discharge.

17 * Sec. 3. AS 46.03.290 is repealed and re-enacted to read:

18 Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY.
19 (a) When the department finds that an actual or imminent discharge of
20 radionuclides to the air, water, land or subsurface land of the state
21 poses an immediate threat to the public health or welfare, or the en-
22 vironment of the state, it may issue an order declaring an emergency and
23 directing a person or persons to take action the department believes
24 necessary to meet the emergency, and protect the public health, welfare
25 or environment.

26 (b) A person to whom an order is directed shall comply with it
27 immediately, but on application to the department shall be given a
28 hearing under the Administrative Procedure Act (AS 44.62). Thereafter
29 the department may affirm, revoke or modify the order.

1 (c) During a period of emergency declared under (a) of this
2 section, each state agency and instrumentality, including, when appro-
3 priate, the Department of Military Affairs under the authority conferred
4 by AS 26.20, shall take whatever action the department finds necessary
5 to meet the emergency, and to protect the public health, welfare or
6 environment.

7 * Sec. 4. AS 18.60 is amended by adding new sections to read:

8 ARTICLE 5. RADIATION PROTECTION [ACT].

9 Sec. 18.60.475. POWERS AND DUTIES OF DEPARTMENT. (a) The de-
10 partment shall

11 (1) adopt regulations necessary to carry out the purposes of
12 this chapter;

13 (2) develop comprehensive policies and programs for the
14 evaluation and determination of hazards associated with the use of
15 radiation sources and their amelioration;

16 (3) encourage, participate in and conduct studies, investi-
17 gations, training, research and demonstrations relating to the control
18 of radiation hazards, the measurement of radiation, the effects on
19 health of exposure to radiation and related problems it considers neces-
20 sary or advisable for the discharge of its duties;

21 (4) collect and disseminate health education information
22 relating to radiation protection;

23 (5) review plans and shielding specifications for facilities
24 designed to use radiation sources;

25 (6) inspect radiation sources, their shielding and immediate
26 surroundings and records concerning their operation for the determina-
27 tion of possible radiation hazard.

28 (b) The department may keep confidential data obtained as a
29 result of registration or investigation.

1 Sec. 18.60.485. RADIATION SOURCES. Sources of radiation shall be
2 shielded, transported, handled, used, and kept to prevent users and
3 persons from being exposed to concentrations of radionuclides or levels
4 of radiation exceeding those limits established by the department in
5 regulations.

6 Sec. 18.60.495. NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT.
7 When the department finds, after inspection and examination of a source
8 of radiation as constructed, operated or maintained, that there has been
9 a violation of a provision of this chapter, it shall notify the person
10 causing or permitting the violation of the nature of the violation and
11 order the person to stop it.

12 Sec. 18.60.505. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY.
13 When the department finds that an emergency exists requiring immediate
14 action to protect the public health or welfare from radiation, it may
15 issue an order reciting the existence of an emergency and requiring that
16 action be taken to meet the emergency. The order is effective immedi-
17 ately. A person to whom an order is directed shall comply with it
18 immediately, but on application to the department shall be given a
19 hearing under the Administrative Procedure Act (AS 44.62). After a
20 hearing, the department may affirm, revoke or modify the order.

21 Sec. 18.60.515. EXCEPTIONS. (a) Sections 475 - 485 of this
22 chapter do not limit the intentional exposure of patients to radiation
23 for the purpose of diagnosis or therapy, or medical research, when
24 conducted as authorized by law and in accordance with accepted radiation
25 safety principles.

26 (b) Section 475(a)(5) and (6) do not apply to the private use of
27 radiation sources in the home.

28 Sec. 18.60.525. PENALTIES. A person who violates a regulation,
29 standard or order of the department issued under this chapter is guilty

1 of a misdemeanor and, upon conviction, is punishable by a fine of not
2 more than \$500, or by imprisonment for not more than one year, or by
3 both. Each day upon which a violation occurs constitutes a separate
4 offense.

5 Sec. 18.60.545. DEFINITIONS. In secs. 475 - 545 of this chapter

6 (1) "department" means the Department of Health and Social
7 Services;

8 (2) "electronic product" means a manufactured product which

9 (A) when in operation, contains or acts as part of an
10 electronic circuit and emits, or in the absence of effective
11 shielding or other controls would emit, electronic product radia-
12 tion; or

13 (B) is intended for use as a component, part, or acces-
14 sory of a product described in (A) of this paragraph and which when
15 in operation emits, or in the absence of effective shielding or
16 other controls would emit, electronic product radiation;

17 (3) "electronic product radiation" means any ionizing or non-
18 ionizing, electromagnetic or particulate radiation, or a sonic, infra-
19 sonic, or ultrasonic wave which is emitted from an electronic product as
20 the result of the operation of an electronic circuit in the product;

21 (4) "radiation sources" means both electronic product and
22 nuclear radiation sources.

23 * Sec. 5. AS 46.03.900 is amended by adding a new paragraph to read:

24 (23) "radionuclides" means any atom which may spontaneously
25 emit particles or gamma radiation or may emit X-radiation following
26 orbital electron capture or may undergo spontaneous fission.

27 * Sec. 6. Regulations adopted under authority of statutes repealed or
28 amended by this Act shall remain in effect until repealed by the Department
29 of Health and Social Services. The Department of Health and Social Services

1 shall enforce regulations adopted under authority of statutes repealed or
2 amended by this Act and may assume any function which the regulations assign
3 to the Department of Environmental Conservation.

4 * Sec. 7. AS 46.03.020(10)(F), 46.03.270, 46.03.280, 46.03.300, 46.03.310,
5 46.03.840, 46.03.900(7), 46.03.900(8), 46.03.900(16), and 46.03.900(17) are
6 repealed.

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